

**United States Department of Interior
Bureau of Land Management**

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**Finding of No Significant Impact
And
Decision Record**

**Quigley and Hailey Creek Aspen Restoration
Environmental Assessment ID-230-2008-EA-347**

INTRODUCTION:

The Bureau of Land Management (BLM) has conducted an environmental assessment (EA No ID-230-2008-EA-347) in order to analyze the impacts of conducting vegetation treatments on approximately 180- 250 acres within the Quigley and Hailey Creek allotments northeast of Hailey, Idaho. The proposed action and alternatives are treatments that aim at preserving aspen communities on the landscape in a condition that will be able to react to a wildfire as they would have in the past. The proposed action would lop and scatter encroaching conifers within 107 acres; cut, pile, and burn encroaching conifers within 43 acres; clear areas around isolated aspen within conifer stands; place buck and pole fence around approximately 5 acres of aspen to protect regeneration; and broadcast burn 2 acres of aspen to increase potential for new regeneration. Alternative B would combine the same mechanical treatments as the Proposed Action with broadcast prescribed fire across 250 acres. Alternative C would conduct the mechanical treatments of the Proposed Action without the use of any prescribed fire.

The underlying need for the proposal arose from inventories and observations that aspen communities were declining in vigor and sustainability within the Quigley and Hailey Creek allotments. Seventy acres of aspen communities within these allotments have at least 25% conifer cover and an additional 80 acres has measurable amounts of conifer. In these areas conifers are becoming the dominate canopy species, overtopping the aspen and reducing the amount of sunlight and water available to aspen. This has reduced the ability of aspen communities to maintain thriving canopies as well as their ability to allocate sufficient energy to new regeneration. Additionally, there is another 30 acres where conifers are not present, but aspen canopies are declining and there are areas of low regeneration.

Environmental Assessment No. ID-230-2008-EA-347 is available at the Shoshone Field Office or <http://www.blm.gov/id/st/en/info/nepa.html> and is incorporated by reference for

this Finding of No Significant Impact (FONSI). The EA analyzed the environmental effects of a no action alternative and three action alternatives.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and determined to be in conformance with the Sun Valley MFP as amended by the Fire, Fuels and Related Vegetation Management Direction Plan Amendment (FMDA) (2008). The proposed project will directly contribute to meeting the objectives and goals set by this plan amendment. The following objective and related goals are relevant to the purpose and need addressed in this Environmental Assessment:

- Move all vegetation types toward Desired Future condition
 - Increase acres of early-seral and mid-seral Aspen/Conifer and Dry Conifer cover types (pure aspen and aspen/conifer mix). Spatial arrangement of varying age-classes should occur in a mosaic across the landscape.
 - Improve composition and structure of the aspen/conifer and dry conifer cover types

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION:

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

Context: This requirement means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant (40 CFR 15.27).

The disclosure of effects in the EA found the actions limited in context. The planning area is limited in size and the activities limited in potential. The effects are site-specific and by themselves will not significantly affect international, national, regional, or state-wide resources.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into BLM's Critical Elements of the Human Environment list (H-1790-1), and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

1. *Impacts may be both beneficial and adverse.*
Impacts associated with these actions are discussed in Chapter 4, Environmental Effects, of the EA. Short-term, adverse affects in the form of soil disturbance and vegetation removal are anticipated. However, maintaining aspen communities on the landscape in a healthy condition will in the long term enhance values in the area relative to wildlife habitat, naturalness, and visual quality.
2. *The degree to which the selected alternative will affect public health or safety.*
The Proposed Action and action alternatives will not have any effect on public health or safety.
3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.*
There are no park lands, prime farm lands, wetlands, designated wilderness, wild and scenic rivers, or ecologically critical areas within the project area. A cultural inventory and consultation with the State Historic Preservation Office (SHPO) was completed in accordance with Section 106 of the National Historic Preservation Act (NHPA), resulting in a “no adverse effect” on cultural resources.
4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*
None of the effects are expected to be highly controversial due to the small size of the project and the limited amount of impacts that would occur.
5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*
The project is not unique or unusual. The BLM has experience implementing similar actions in similar areas. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.
6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*
The actions presented in the selected alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. A complete analysis of the direct, indirect, and cumulative effects of the selected alternative and all other alternatives is described in Chapter 4 of the EA.
7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.*

The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

The project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources. A cultural inventory and consultation with the SHPO was completed in accordance with Section 106 of the NHPA, resulting in a “no adverse effect” on cultural resources.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM’s sensitive species list.*

No endangered or threatened plants or animals or critical habitat have been identified to occur within the project area. However, incidental use by bald eagles and sage grouse may occur. Design features of the treatment would limit any direct short term impacts to these species and it is anticipated that there would be long term benefit to these species by retaining the habitat that the aspen communities offer.

10. *Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.* The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. In addition, the project is consistent with applicable land management plans, policies, and programs.

Based upon the review of the context and intensity factors and the environmental assessment conducted, I have determined that the action analyzed in the Quigley and Hailey Creek Aspen Restoration Environmental Assessment No. ID-230-2008-EA-347 is not a major federal action and that its implementation will not significantly affect the quality of the human environment. Accordingly, I have determined that an Environmental Impact Statement need not be prepared for this project.

DECISION:

My decision is to implement the Proposed Action modified to allow broadcast burning in lieu of pile burning in areas where high preparation and safety needs do not make it impracticable. These actions and environmental effects are described in Environmental Assessment ID-230-2008-347 in accordance with the National Environmental Policy Act. This decision would allow approximately 180 acres of vegetation treatments to occur within the Quigley and Hailey Creek allotments. The vegetation treatments would include lopping and scattering of encroaching conifers within 107 acres; cutting encroaching conifers and removing fuels by broadcast or pile burning within 43 acres; clearing small areas around isolated aspen within conifer stands; placing a buck and pole fence around approximately 5 acres of aspen; and broadcast burning 2 acres of aspen to increase potential for new regeneration.

Alternatives Considered:

Alternative A (the proposed action), Alternative B, and Alternative C are treatment prescriptions that have been designed to meet the purpose and need while at the same time bounding themselves within limits set by logistics, risk, and resource protection. The Proposed Action is a set of treatments that aim at preserving aspen communities on the landscape in a condition that will be able to react to a wildfire as they would have in the past. It is not a treatment that will directly restore aspen communities to their historic distribution and structural pattern, but implementing these treatments will allow future disturbances to effectively do so. The advantage of these treatments is that they have relatively low cost and low risk and would only need a small amount of preparation prior to implementing the treatments. On the other hand, Alternative B is a set of treatments that will effectively restore aspen communities to their historic distributions and structural pattern when the treatments are completed. The advantage of treating the area with this approach is that the aspen communities will be maintained in functioning condition without depending on the occurrence of a wildfire or other natural disturbance. The disadvantage of implementing this alternative is that it would have relatively high costs and high risk, would be logistically difficult to implement, and would require substantial preparation, i.e. fire control lines, prior to treatment implementation. Alternative C is a treatment that considers public input that expressed the concerns of the use of prescribed fire. Alternative C is similar to the proposed action in its implementation but, the treatments would not be as effective as aspen regeneration would be suppressed by the resulting fuel buildup. Alternative D (the No Action alternative) would maintain the status quo and would not meet the purpose and need for the project.

Rational for Decision:

The decision to authorize the project as described in the Proposed Action as modified has been made in consideration of the environmental impacts described in the EA. The vegetation treatments will enhance the vigor and sustainability of aspen communities within the Quigley and Hailey Creek Allotments. Maintaining these communities in a resilient condition will provide a means to achieve the goals set in the FMDA (2008). These goals call to increase acres of early-seral and mid-seral Aspen/Conifer cover types

(pure aspen and Aspen/Conifer mix) and allow for spatial arrangement of varying age-classes to occur in a mosaic across the landscape.

A pre-decisional Environmental Assessment was made available for a 30-day public comment period starting February 12, 2009. The document was available for review on BLM's public web site or as a hard copy by request; two interested parties submitted comments which were considered in making this decision.

One of the interested parties simply indicated that they thought removing conifers either by mechanical means or by fire would help. They also expressed that they didn't think that current grazing impacted aspen health and that aspen in adjacent areas have increased since 1957.

The other interested party submitted several comments concerning treatment design and resource protection. Their comments are summarized with our responses below:

"We suggest combining all three different proposed actions as part of the experimental design to determine which of the treatment methods are most effective."

- All alternatives were considered and methods discussed in the Proposed Action as modified in this decision to utilize broadcast burning have been determined to meet the purpose and need of this project. Methods described in Alternative C will not be used, the amounts of biomass left with in the treatment areas would result in uncharacteristically high fuel loading and would suppress new aspen regeneration; therefore not fully meeting the needs of the project.

"We... suggest that trees with a diameter of 24 DBH and greater are retained. ... If there are concerns about such trees serving as seed sources, the BLM should consider girdling the conifers instead of cutting them down"

- Inventory data and field observations determined that the majority of the large trees with fire scars are greater than 30 inches DBH. These are the trees that have survived previous fires and would be the most likely to survive a fire under historic conditions; that was the reason for selecting 30 inches as a diameter limit. Also, the EA does assert that trees with obvious wildlife use would also be retained and a minimum of three snags greater than 25 feet tall and 10 inches DBH would be left per acre. These criteria would effectively leave most of the trees greater than 24 inches DBH either as standing live or as a snag. Therefore, there is little difference between a diameter limit of 30 inches and 24 inches within the project area and we have changed the wording in the EA to reflect this request.

".... (W)e encourage the Shoshone Field Office to re-incorporate fire into the system to the extent practical. ... We do have concerns about negative impacts to soils from pile burning. ... suggest that the BLM provide more detailed guidelines, quantify the

necessary soil measures and ensure these conditions are met the day of any pile burning. As such, we suggest using broadcast burning with appropriate moisture conditions where practicable to avoid artificially high fuel loads.”

- Under this decision we have modified the Proposed Action to allow for broadcast burning in areas that would require only limited amount of preparation to safely control broadcast burns. These impacts, although will occur at a lesser extent, are analyzed under Alternative B. In areas where broadcast burning is not practical without extensive preparation, pile burning will still be implemented as described under the Proposed Action. The EA does qualify conditions under which soils will be able to avoid negative impacts by requiring burning to be implemented after the fall rainy season. Although this doesn’t provide hard quantitative numbers for soil conditions, it does position burning during the time of year when soil moisture will be at its highest and fuel moistures will be low enough to allow consumption.

“We do have concerns about the toxicity of the chemical browse protection agent, Hot Sauce or Deer Away...”

- These are natural animal repellants with the primary active ingredients being Capsaicin and/or whole egg solids. There have been several evaluations of these products on big game animals and none of them have demonstrated harmful effects on animals or vegetation.

“Management areas should only be re-opened after sufficient monitoring has been done to determine if aspen regeneration in the area can withstand trampling and grazing.”

- This is discussed within Chapter 3 and Chapter 4 of the EA.

“This monitoring should also include both pre-treatment and post-treatment noxious weed surveys for five years following implementation. ... BMP should include washing off all equipment, pant cuffs, and boots before and after treatment....”

- As discussed in the EA, pre-treatment inventories have already been conducted and will be used as a base line to compare to monitoring data. Monitoring will be conducted on the 1st, 2nd, 5th and 10th year following the implementation of treatments. If noxious weeds are found during monitoring they will be treated. BMP are also incorporated in the EA by following the management restrictions as described in the FMDA (2008).

Administrative Review Procedures:

The decision to implement this forest management project may be protested under 43 CFR 5003- Administrative Remedies. As outlined in 43 CFR 5003.3 (a) and (b), protests of a forest management decision may be made within 15 days of the publication date of the decision notice in a newspaper of general circulation and shall contain a written statement of the reasons for protesting the decision. In accordance with the regulations, the notice published in the Idaho Mountain Express and Times News on April 1, 2009 constitutes the decision document for the purpose of protests. Any protest received after 15 days of this publication date is not timely filed and shall not be considered.

Protests shall be filed by close of business (4:15 pm) on April 16, 2009 with the authorized officer, Lori A. Armstrong, at Shoshone Field Office, 400 West F Street, Shoshone, ID 83352. Protests shall be in the form of a written statement of reasons for protesting the decision, signed, and delivered to the physical address listed above. Therefore, e-mail, verbal, or other facsimile protests will not be accepted. Upon timely filing of a protest, the authorized officer shall reconsider the decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to her. The authorized officer shall, at the conclusion of her review, serve a decision in writing on the protesting party. Upon denial of a protest filed under CFR 43 subpart 5003.3 the authorized officer may proceed with implementation of the decision.

A served decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. A notice of appeal must be filed in the office of the authorized officer at 400 West F Street, Shoshone, Idaho 83352 within 30 days of this decision. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the document with the authorized officer and/or IBLA.

For more information you may contact Kasey Prestwich, Forester, at (208) 732-7204 or via e-mail at kasey_prestwich@blm.gov

/s/ Lori A. Armstrong
Lori A. Armstrong,
Field Manager
Shoshone Field Office

3/27/2009
Date